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Environmental Protection Department

September 13, 2002



Ms. Luz Castillo, Senior Hazardous Substances Scientist
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Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710-2737

**SUBJECT: Response to the 2002 Compliance Evaluation Inspection (CEI)
Report, Livermore Site, Lawrence Livermore National Laboratory (LLNL)**

Dear Ms. Castillo:

This letter is being submitted as a response to the Inspection Report (dated August 14, 2002) resulting from the Compliance Evaluation Inspection (CEI) that the DTSC conducted at LLNL on May 22-24, May 30, and June 4, 2002. You cited a total of four violations, three which were included in the initial Summary of Violations report dated June 6, 2002 related to hazardous and mixed waste storage, and insufficient aisle space between the mixed waste portable tanks at the 514-3 Container Storage Unit. A fourth violation related to personnel training was subsequently added following LLNL's response submittal dated July 12, 2002 which addressed LLNL's actions pertaining to the first three violations.

As stated in your Inspection Report dated August 14, 2002, no further action is required for the two violations related to hazardous and mixed waste storage. These issues were corrected by May 29, 2002, approximately one week after they were identified during the CEI.

The alleged violation related to insufficient aisle space between the mixed waste portable tanks at the Area 514-3 Container Storage Unit still remains unresolved since the time that LLNL submitted the July 12, 2002 response letter. As similarly stated in the previous response letter, LLNL remains with the opinion that no corrective action is required because of the following reasons:

1. The portable tanks reside within an area that is subject to interim status requirements in 22 CCR, Chapter 15, and the Interim Status Document (ISD). The Interim Status document and regulations for interim status facilities only specify "maintaining aisle space as needed to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency".



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Storage Unit (where the tanks reside approximately 5 inches inside the berm wall), the aisle space along the west and north sides would be utilized for personnel access.

2. The normal response action to a fire in this area would be performed by fire department personnel using hand held extinguishing equipment (e.g., hoses, etc.). The 3 feet of aisle space between the tanks and along the west and north sides of the Container Storage Unit where the tanks reside is sufficient to enable fire department personnel to access the portable tanks with their equipment.
3. LLNL's standard response to spills or releases from containers involves containing the spilled material and stopping the release of additional material. Initial response procedures would involve only personnel and hand held sealing or containment devices. Once the affected area on the tank is sealed, the incident would be considered under control, and no further emergency response would be required. The 3 feet of aisle space between the tanks and along the west and north sides of the Container Storage Unit where the tanks reside is also sufficient in this situation to enable personnel to access the portable tanks with appropriate containment devices. Follow-up actions would consist of transferring the contents of the leaking tank to a container or other tank in good condition. The transfer would be performed without moving the damaged tank to prevent the leak from reopening.

The fourth violation which LLNL initially received through the August 14, 2002 Inspection Report indicates that LLNL failed to ensure that WMD personnel Mr. Doug Villela had taken the required refresher training for course EP5120-010, "Waste Management Unit Inspection, Procedures, and Emergency Response for Building Drum/Crushing Unit".

LLNL believes that Mr. Villela is not in violation of 22 CCR, 66264.16(c) because of the following reasons:

1. You mention in the August 14, 2002 Inspection Report that Mr. Villela last took the EP5120-010 training course in April, 2000 and was due to take the refresher in April, 2002. Mr. Villela's training records indicate that he first completed this course on April 3, 2000 within six months of obtaining his position as an Area 612 Storage Technician Contractor, and he also took this course again on August 8, 2000. Therefore, his refresher would not have been due until August 2002.

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2. On June 6, 2002 Mr. Villela's job title changed from "Area 612 Storage Technician Contractor" to "Field Operations Technician". Under his new job title he is not required to take EP5120-010.

Please contact Thomas Kato of my staff at (925) 422-9642 if you have any questions regarding this response.

Sincerely,



Ellen Raber, Department Head
Environmental Protection Department

VS/ER:sj

CC:

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